

REMARKS

Applicants respectfully request favorable reconsideration of the application, as amended.

At the outset, Applicants note that the outstanding Office Action provides definitions and characterizations regarding Applicants' specification and claims. (*See e.g., Office Action* at 4 and 5.) Applicants decline to automatically subscribe to any of the Office Action's definitions or characterizations.

By this Amendment, Applicants have amended Claims 26-35 to more clearly recite the subject matter Applicants regard as their invention, as discussed in detail below, as well as for consistency and clarity of expression. Claims 28 and 29 have also been amended to address the alleged informalities therein. Claims 1-25 were previously cancelled without prejudice or disclaimer. Thus, Claims 26-35 are pending.

In the Office Action dated April 3, 2007, Claims 26-35 were rejected under the judicially created doctrine of nonstatutory obviousness-type double patenting over Claims 21-33 of U.S. Patent No. 7,054,932 B2; Claims 26 and 27 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,460,070 to Turek et al. ("Turek") in combination with U.S. Patent No. 6,308,208 to Jung et al. ("Jung"); and, Claims 28-35 were rejected under 35 U.S.C. § 103 over Turek and Jung in further combination with U.S. Patent No. 6,393,472 to Anerousis et al. ("Anerousis").

Applicants respectfully submit herewith a Terminal Disclaimer to render moot the nonstatutory obviousness-type double patenting over Claims 21-33 of U.S. Patent No. 7,054,932 B2. Withdrawal of this rejection is respectfully requested.

Without acceding to the rejections under 35 U.S.C. § 103, Claims 26-35 have been amended to more clearly recite the subject matter Applicants regard as their

invention. In particular, Claim 26 recites, *inter alia*, a configuration agent for creating the plurality of indicator agents for the resource, and writing means associated with each of the plurality of indicator agents, each writing means configured to write in the subscriber list an identification of at least one other indicator agent and management information, the subscriber list being managed by the associated indicator agent and stored using storage means of the computer equipment associated with the indicator agent. Support is provided, for example, at page 10, lines 8-16 of Applicants' substitute specification.

It is apparent that the applied references do not teach or suggest the above-discussed combination of features. For example, the Office Action acknowledges at page 9 that the primary reference Turek does not teach or suggest "writing . . . an identification of at least one other indicator agent" as recited in Claim 26. However, the Office Action alleges that Turek's deficiency in this regard is cured by the teachings contained in secondary reference Jung.

However, the portion of Jung relied on in the Office Action merely teaches a control mechanism implemented in each of Jung's software agents 37 to support cell identification and state change propagation for communication "across a network between separate computing machines that together comprise a given resource being monitored." See Jung, col. 8, lines 5-15. Furthermore, Jung discloses a manager 14 at a central location that "includes a database 43 including information identifying a list of all machines in the distributed computing environment that are designed to be managed." Jung, col. 5, line 58 and col. 6, lines 4-7. Thus, Jung does not appear to teach or suggest writing means associated with each of the plurality of indicator agents, each writing means configured to write in the subscriber list an identification of at least one other indicator agent and management information the subscriber list being managed by the

associated indicator agent, and stored using storage means of the computer equipment associated with the indicator agent, as recited in Claim 26.

Nor does Jung inherently disclose the above-discussed features of Claim 26. (*See* Office Action, page 14.) To establish inherency, it must be clear that “the missing descriptive matter is necessarily present in the thing described in the reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted).

The portion of Jung relied on in the Office Action merely teaches that it is known for each node of a geographically-dispersed network to have a local object database that stores object data specific to the local node. Jung, col. 1, lines 13-20. This does not require writing means associated with each of a plurality of indicator agents, each writing means configured to write in the subscriber list an identification of at least one other indicator agent and management information, the subscriber list being managed by the associated indicator agent, and stored using storage means of the computer equipment associated with the indicator agent. To the contrary, Jung teaches a manager 14 at a central location that “includes a database 43 including information identifying a list of all machines in the distributed computing environment that are designed to be managed.” Jung, col. 5, line 58 and col. 6, lines 4-7; and FIG. 1.

Jung therefore does not teach or suggest, much less require or necessarily disclose, writing means associated with each of a plurality of indicator agents, each writing means configured to write in the subscriber list an identification of at least one other indicator agent and management information, the subscriber list being managed by the associated indicator agent, and stored using storage means of the computer equipment associated with the indicator agent.

Secondary reference Anerousis does not appear to teach or suggest the above-discussed combination of features, nor does the Office Action rely on Anerousis for such teaching.

Therefore, Applicants respectfully submit that Claim 26 distinguishes patentably from the applied references.

The remaining Claims 27-35 are also believed to be patentable due to their dependence from Claim 26 as well as for the additional features recited in Claims 27-35.

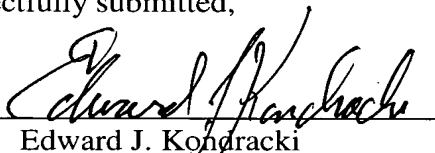
A Notice of Allowance is respectfully solicited.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T2147-906756) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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